OFFICE OF THE CITY MUNICIPAL COUNCIL, MANGALORE

No. E1/22086/67 dated 29th November, 1978

Form of notice under Section 321(4) of the Karnataka Municipalities Act 1964 as amended.

Notice is hereby given for the information of the General public likely to be affected thereby that the Municipal Council resolved at its meeting held on 28-10-1977 (Council resolution No. 447 dated 28-10-1977) to frame the Karnataka Municipalities draft bye-laws appended thereon regulating the conditions on which permission may be given for the Temporary occupation of or for the erection of or for the eviction of the temporary structures, put up on public streets, or public open space for the projection over such places.

Objections or suggestions in writing with respect to the said draft bye-laws are invited by the Municipal Commissioner, Mangalore City Municipality so as to reach this office within 30 days from the date of publication of the above said bye-law which will be considered by the Municipal Council.

Title :— These Bye Laws may be called the Karnataka Municipalities Bye Laws regulating the conditions on which permission may be given for temporary occupation or for erection of or for the eviction of the temporary structures, put up on public streets, or public open space or for projection over such places.

2. *Definitions* :— In these Bye Laws unless the context otherwise requires.

(a) "Act"- means the Karnataka Municipalities Act, 1964.
(b) "Sections means" a Section of the Act.

3. *Duty to obtain licence or permission for making a hole or depositing goods in the street* :—

(i) No person shall, without the permission of the Municipal Commissioner or other Officer authorised in the behalf make a hole in any street, land, or erect or deposit any timber, stone brick, earth or other material on any street, drain, or land belonging to or vested in the Municipal Council.

(ii) If any person wishes to temporarily occupy or erect or deposit on any public street or open space shall send a written application in the form prescribed in this behalf to the Municipal Commissioner and obtain written permission before commencing the work proposed therein (Form No. 1).

(iii) When the permission under clause (ii) is granted to any person, he shall at his own expense cause such materials or such hole to be sufficiently fenced or enclosed until the materials are removed or the hole is filled up or otherwise made secure for the free movements of the pedestrains or to the vehicular traffic, to the satisfaction of the Municipal Commissioner or his duly authorised officer and shall also cause the place concerned sufficiently lighted during the night.

(d) Fees payable for deposit of goods and making holes :—

The fee chargeable for the deposit of goods or materials on any streets, drain or other land vested in the Municipal Council, shall be as mentioned in the Schedule annexed to this bye laws.

4. *Arrangements to guard against danger to traffic to be made* :—

(a) If the owner of any goods or materials deposited in any street or place open to pedestrain traffic or vehicular traffic, fails to make suitable arrangements for guardian against danger to traffic under bye-law (3) (C) the Municipal Commissioner shall cause a notice to be served on him to make such arrangements within 24 hours requiring to show cause as to why he failed to do so and on failure to comply with the notice, the Municipal Commissioner or his duly authorised officer shall execute the work and communicate a bill of costs stating the amount that may be incurred for carrying out the work,

(b) *Consequence of failure to make arrangements*:—

If within twenty four hours after receipt of the said notice, the owner fails to make the arrangements so specified or to show cause to the satisfaction of the Municipal Commissioner why such arrangements should not be made, he shall be deemed to be a defaulter and bcomes laible for legal consequences under bye-laws No.5 and 9.

5. *Grant of Licence*

(a) A person applying for permission for putting up a projection on a public street or open place vested in or belonging to the City Municipal Council shall apply for Licence in the Form No. 2 appended herewith which shall contain information regarding the area proposed to be accupaied, specifications of the materials of which the structure proposed to be constructed and the period for which the structure shall stand along with triplicate copies of plans setting out the above details.

(b) Application for renewal of Licence under bye-laws No. 7(a) shall be made along with fee for the renewal of Licence 30 days in advance of the commencement of the official year to which it relates;

6. *Licence fee for occupation of road sides and street margins* :—

(1) Save as otherwise provided in the Act No Licence of any land shall be granted except upon an application made to the Municipal Commisssioner in form No. 3 furnishing information as to –

(a) the period for which the licence is required,
(b) the use proposed to be made of the land.
(c) The materials to be used in the erection of such structure,
(d) the payment made in advance of the licence fee.

(2) The Licence shall be liable to be terminated at any time within the period of licence without payment of compensation to the licencee, if in the opinion of the Municipal Council it is necessary in public interest to remove any structure erected on the land.

7. *Removal of encroachments*,.

(1) As soon as cases of encroachments are detected in public streets or open places belonging to or vested in the Municipal Council, the Municipal Commissioner or his authorised Officer shall inspect them or cause to be inspected and decide which are objectionable and which are not objectionable. As regards objectionable encroachments, the Municipal Commissioner shall issue notice to the persons concerned requiring them to remove the encroachments within a reasonable time (however in any case not more than 24 hours) specified in the notice and within the time so specified if the encroachments are not removed or no reasonable cause in shown, remove the encroachments in accordance with the provisions of the Act.

8 Fees chargable for obstruction and encroachments are detailed in the schedule to these Rules and shall be recovered in the same manner as recovery of tax under the Act.

9 *Permission for use of site or land belonging to Municipality or erected within the Municipal limit for staging a performance* :—

(a) If any person wishes to use any land belonging to or vested with the Municipal limits as a place of Public Amusement or entertainment he shall apply for permission in Form No. 4 annexed herewith to the Municipal Commissioner indicating the extent of land, location, of the structure, if any, to be erected at the place, the period for which it is required with the prescribed fees at least one week before the date of commencement of the performance. The Municipal Commissioner may issue a permission for the occupation of the site and may impose such conditions as he deems necessary.

(b) If the owner fails to comply with any of the conditions imposed, the Municipal Commissioner shall cause a notice to be served on him to make such arrangements within twenty four hours after the receipt of the notice and on failure to comply with the notice, the Municipal Commissioner, shall forthwith cancel the permission.

(c) Any person who obtains permission for a specified area and subsequently occupies a greater area not covered by the licence, may be evicted or removed from such part of the unlicenced area not covered by the licence, if the Municipal Commissioner is of the opinion that the occupation of such area is prejudicial to the public interest.

(d) If on the expiry of the period for which the permission has been granted the person who continues to occupy the land licenced to him by the Municipal Commissioner may unless the period is extended on application, issue a notice to the defaulters to vacate the land after restoring the same to its original condition within such time as may be specified in the notice and at the end of such time, he may get the defaulter evicted and the structures, if any removed and ground restored to its original condition and the cost of such removal shall be recoverable from the defaulter as a Municipal tax.

10. *Temporary occupation of streets or public roads for vending fruits etc.*,—

(a) In such streets or public roads as may be specified and in such parts of the same as may be set apart by the Municipal Council, a fee as provided in the schedule shall be levied for temporary occupation of street and other open spaces belonging to or vested with the Municipal Council, for the sale of articles, like vegetables, fruits, cotton goods, fancy articles ware flowers, fish betel leaves. coconuts sugar cane, drinks and other articles of daily use.

(b) Any person who is permitted to occupy a certain area and subsequently occupies a greater area without permission for the excess area so occupied shall be liable to be removed or evicted summarily and shall also be liable to pay an amount calculated at the rate provided in the schedule.

11. *Errection of pendal or other temporary structures on Public streets* :—

(a) No pendal or other temporary structures for marriage or other purposes shall be erected in any strect land or public thoroghfare, without the written permission of the Municipal Commissioner.

(b) On receipt of an application for permission to put up such structure specifying situation, size, and other particulars, the Municipal Commissioner or an Officer authorised by him may, at his discretion grant a licence on such conditions as he may deem necessary to provide for the public convenience and safety, on payment of the fees mentioned in the schedule.

12. *Obstructions over Public streets* :

(1) No weather board, sunshade, name board of the Shop or any other projection shall be allowed or erected in any street, which is less than 4.5 meteres in width.

(2) On Streets which are more than 4·5 metres in width, permission may be granted by the Municipal Commissioner for the putting up of weather boards, sunshades, name Boards of the shop not exceeding 0–75 metres in breadth at a height not less than 3 metres from the street level.

(3) On streets which are more than 9 metres width the weather boards, sun shades, name boards of the shop shall not be more than 1 meter in width at a height not less than 3 metres from the street level.

(4) Projection referred to above shall not include advertisements as defined in the Advertisement Bye-laws.

13. *Projection to be made of non inflamable materials* :

The weather Board, sun shades, name Boards of the shops shall always be of non inflamable material like zine sheet or asbestos cement sheets.

14. *Payment of fees for porjection* :

The fees for weather Boards, sun-shades, names Boards of the shop and other projections for every half year, payable in advance, shall be as provided in the Schedule.

15. All the amounts payable under these byelaws may be recovered in the same manner as recovery of, tax under the Act or by any other procedure prescribed under the said Act and the defauiters shall also be liable for prosecution.

16. *Penalty for breach of the bye-laws* :

Any breach of any of these bye-laws shall subject the defaulter to a fine not exceeding rupees 100/- for the first offence and rupees 50/- for each subsequent offences.

SCHEDULE

Bye-law No. 1	Nature 2	Rate of fee or licence amount per 3	Remarks 4
3 to 6	For digging holes	Rs. 1–00 per day	
	II Depositing goods	Rs. 2–00 1) per day 2) Sq. M	} or part thereof
	I Awnings	Rs. 2–00 1) per month 2) Sq. M	do
	II Projecting balconies Verandahs	Rs. 3–00 1) ,, 2) ,,	do
	III Temp. archways aross roads	Rs. 25–00 1) day or part thereof each arch each road	
	IV 1) Temporary construction below 100 Sq. ft.		
	a) Nehru Maidan		

1	2	3	4
	b) Other places	Rs. 15-00	per day
	ii) Temp. Structure of above 100 sq. ft. but not exceeding 150 sq. ft.		
	a) Nehru Maidan	Rs. 40-00	
	b) Other places	Rs. 20-00	
	iii) For every Additional Structure of 50 sq.m. or portion thereof at		
	a) Nehru Maidan	Rs. 10-00	,,
	b) Other places	Rs. 5-00	,,
	a) Vegetables	Rs. 0-50	,,
	b) Fruits	Rs. 0-50	,,
	c) Head load of Firewood	Rs. 0-50	,,
	d) Soft drinks	Rs. 1-00	,,
	e) Medical Herbs	Rs. 0-50	,,
	f) Clothing etc.,	Rs. 3-00	,,
	g) Eatables	Rs. 1-00	,,
	h) Toys	Rs. 2-00	,,
	i) Cutlery	Rs. 2-00	,,
	j) Flower	Rs. 0-50	,,
	k) Any other Articles of daily use between	Rs. 0-25 to Rs. 3-00	,,

Asper the directive of the Municipal Commissioner

Note:—Penalty licence fee will be charged in respeet of belated payments at Rs. 0-25 paise on a rupee or fraction thereof.

ANNEXURE 'A'

Application for making holes on road margin for erecting structures under Section 216 of K. M. Act of 1964.

From :
Sri.
Mrs.
To :

Municipal Commissioner,
City Municipality, Mangalore-1

I/We request that provision licence may kindly be granted for making holes in the following root margin for the purposes of erecting buildings/mantofans/gallavaniced for the purpose of erecting buildings, in connection with A sum of Rs. has been paid with the Municipal Treasury today towards the fees for the same.

PARTICULARS

1.
2.
3.
4.

Mangalore
Date :

DECLARATION

I/We Sri/Messrs. do hereby agree to abide by all the rules and regulations and also the conditions to be imposed while granting permission/licence applied for and I/We am/are solely responsible for any breach or violation of any or all the rules or regulations or conditions imposed ending with institution of legal proceedings against me/us for the same.

Signature of the applicant.

Application for making temporary projection such as verandahs, balconies, roof, weather boards, shop Boards, *etc.*, under Section 208, 216 *read with* Section 138 of the K. M. Act of 1964.

From :
Sri/Messrs

To :
The Commissioner,
City Municipality,
Mangalore-1.

Sir,

I/We, request that permission/licence may kindly be granted to put up projection detailed below on (here mention the name of the street) at an early date. A sum of Rs. has been credited into the Municipal Treasury today towards the fees the same. The necessary particulars are furnished below. Plan in triplicate setting out the details are enclosed here unto.

PARTICULARS

Name of the owner of land/Buildings :—
Name of occupier :—
T. S. No. Ward No.
Nature of the projection :—
Dimensions of the projection (and specification)
Area prescribed to be occupied above ground :—
Height of the projection from road level :—
Purpose for which lieence is applicd for :—
Specification of the materials to be used :—

Mangalore
Date :

Yours faithfully,

DECLARATION

I/We, Sri Messers
do hereby agree to abide by all the rnles and regnlations and als o ihe conditions to be imposed while granting permission/licence applied for and I/We, am/are solely responsi ble for any break or violation of any or all the rules or rsgulations or conditions imposed ending with institut ion or legal procceedings against me/us for the same.

Signature of the applicant.

Application for depositing materials such as boxes, bales, packages, timber, stone, sand, earth etc., under Section 216 of M. M. Act.

From :
Sri, Messrs.
To :
The Municipal Commissioner,
City Municipality, Mangalore-1.

Sir,

I/We request that permission may kindly be granted for depositing goods/*i. e.* (mention the name of the street or land proposed for depositing the goods) at an early date.

A sum of Rs. has been credited into the Municipal Treasury this day towards the fees for the same
The necessary particulars are furnished herebelow:

PARTICULARS

1. Width of the road/drain/land
2. The are proposed for depositing goods
3. Nature of the goods
4. Period during which the goods will be deposited
5. Any other particulars (to be specified by the applicant).

Mangalore
Dated :

Yours faithfully,

DECLARATION

I/We, Sri/Messrs/

do hereby agree to abide by all the rules and regulations and also the conditions to be imposed while granting permission/licence applied for and I/we/am/are solely responsible for any breach of violation of any or all the rules or regulations or conditions be imposed while granting permission/licence applied for and I/we am/are solely responsible for any breach or violation of any or all the Rules or Regulrtions or conditions imposed lending the with institution of legal proceedings against me/us for the same.

Signature of the Applicant.

Application for temporary occupation of road side and sheet manages for vending fruits, vegetables etc under Section 216 of M. M. Act, 1964.

From :

Sri, Messrs.

To :

The Municipal Commissioner,
City Municipality, Mangalore-1.

Sir,

I/We request that permission/licence may kindly by granted for making use of the place shown below with other necessary particulars at an early date.

A sum of Rs. has been credited into the Municipal Treasury today towards the fee for the same

PARTICULARS

1. Name of the road or street — :
2. Area required (length and Breadth) — :
3. Location of the site with surface to — :
4. Period for which licence is applied for — :
5. The use proposed to be made of the place :
6. Specifications of the materials to be used if any structure is to be errected — :
7. Any other particulars (to be specified by the applicant). — :

Mangalore.

Dated :

Yours faithfully,

I/We Sri/Messrs/

do hereby agree to abide by all the rules and regulations and also conditions to be imposed while granting permission/licence applied for and I/We am/are solely responsible for any breach of violation of any or all the rules or regulations or conditions imposed ending with institution of legal proceedings against me/us for the same.

Signature of the applicant.

FORM No. 4

Application for occupation of land belonging to Municipality or vested with Municipality for staging performance etc, under Section 216 *read with* Section 138 of M. M. Act, 1964.

From :

To :

The Municipal Commissioner,
City Municipality, Mangalore-1.

Sir,

I request that permission/licence may kindly be granted for temporary occupation of the place mentioned below with other necessary particulars at an early date. A sum of Rs. has been credited into the Municipal Treasury today towards the fee for the same.

PARTICULARS

1. Name of the place or land :
2. Extent of the place or lands :
3. Location of the place of amusement of entertainment.
4. Specification of the structure if any to be erected at the place.
5. Period reserved.
6. Any other particulars (to be specified by the applicant.)

Mangalore

Dated :

DECLARATION

I/We

do hereby agree to abide by all the rules and regulations and also the conditions to be specified while granting permission/licence applied for any I/we am/are solely responsible for any breach of violation of any or all the Rules or Regulations or conditions imposed ending with institutions or the legal proceedings against me/us for the same.

Signature of the applicant.